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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,880	09/09/2003	Jon B. Telleen	JBT-1	2628
34491	7590	03/31/2005	EXAMINER	
JAMES K. POOLE, ESQ. P.O. BOX 925 LOVELAND, CO 80539			GEHMAN, BRYON P	
		ART UNIT	PAPER NUMBER	
		3728		
DATE MAILED: 03/31/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/657,880	TELLEEN, JON B.	
	Examiner	Art Unit	
	Bryon P. Gehman	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 December 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
 4a) Of the above claim(s) 22-29 and 35 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-21,30-34 and 36 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

1. This action supersedes the action mailed March 7, 2005 because of the cross mailing of the applicant's and examiner's responses.
2. Claims 1-3, 6-7, 16-17, 20 and 30 are objected to because of the following informalities: The new amendment filed March 7, 2005 reintroduces language to the considered claims (1-21 and 30-34 and 36) amended from the previous iteration, but not shown to be amended. It appears applicant has employed an old copy of the claims different than the last amendment filed December 6, 2004. This latest copy of the claims filed March 10, 2005 is improper as it does not comply with 37 CFR 1.121, nor does it reflect applicant's latest claims. Any response to this action must provide the claims in the proper form as submitted December 6, 2004. All responses will be considered under After Final practice, including merely correcting the claims to the scope of those originally submitted December 6, 2004. Appropriate correction is required.

The following are the instances of indefinite language now found in the claims submitted March 10, 2005. In claim 1, line 3, "an space", line 4, "said the space", line 5, "a the user", line 7, "said the holder". In claim 2, line 3, "and/or" should be "and or 'or'. In claim 3, "said space" is improper, as "space" is outside the scope of applicant's holder assembly. In claim 6, lines 2-3, "said the access means". In claim 7, lines 2-3, "said the access means". In claim 8, "said access means". In claim 9, "said access

means". In claim 16, line 3, "means". In claim 17, line 3, "it" . In claim 20, line 2, "deice" and line 3, "provides a reward by". In claim 30, line 8, "said room number portion".

3. Applicant requests interview summaries of telephone interviews held on August 23, 2004 and October 27, 2004. Since the interviews were held so long ago, the examiner is unable to provide these summaries, as the discussions are not remembered to any degree. Interview summaries are only required if an agreement is reached between the examiner and the applicant with respect to the allowability of the claims. It is not seen that such had been made.

4. Applicant's election with traverse of species I in the reply filed on December 6, 2004 is acknowledged. The traversal is on the ground(s) that species II, III and IV should also be included to be considered with species I. This is not found persuasive because applicant does not identify the species as obvious variants of one another, as required for more than one species to be considered. New claim 35 does not read on the elected species and is accordingly withdrawn from consideration.

The requirement is still deemed proper and is therefore made FINAL.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-6, 18-21, 30-33 and 36 are finally rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 4, "said the space" is indefinite, as "said" should be deleted.

In claim 18, line 3, "said space" should be --the space--, as only an access means has been positively said, and the invention is only an access means, not the space.

In claim 30, line 9, "same" is indefinite and should be --said security device--.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6, 11-13, 17-18, 20-21 and 34 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin (5,529,172). Disclosed is a holder assembly for an access means (2) comprising a security device (6) comprising a space identification portion (17) and further comprising one incentive (use of a coupon included on the space identification portion therewith, see col. 2, lines 59-67) motivating a user to separate the identification portion from the access means (2).

As to claims 2 and 11-12, Laughlin discloses the access means as a magnetic key card, which has supplanted older mechanical keys. However, it is held that

mechanical keys would obviously be employed in view of the "entry means" teaching of Laughlin.

As to claim 3, Laughlin discloses the space as being a hotel room.

As to claims 4-6, Laughlin discloses two panels (6, 17) of sheet material, printed matter (a coupon) and a pocket or slot (4).

As to claim 13, Laughlin discloses perforations (16) to separate the identification portion from the access means.

As to claims 17-18 and 21, Laughlin's holder assembly and security device will not allow use of the key or card unless removed from the holder assembly and security device.

9. Claims 7-10 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin in view of Hollar Jr. (1,667,258). Hollar Jr. discloses an envelope or pouch (1) for securing a key prior to employment. To modify Laughlin employing the envelope or pouch teaching of Hollar Jr. would have been obvious in order to secure from tampering with the key prior to its use.

10. Claims 14 and 15 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin in view of Thompson et al. (6,520,542). Thompson et al. discloses a peelable portion (16) (Figure 16) separable to separate and also reveal information. To modify Laughlin employing the peelable portion teaching of Thompson et al. would have been obvious in order to separate and reveal information by the separation, as suggested by Thompson et al..

11. Claims 16, 19 and 30-33 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin in view of Jacobs et al. (4,488,737). Laughlin has been explained above. Jacobs et al. disclose the desirability of keeping an access means separate from a room number for security reasons (see col. 1, lines 15-26). To provide instructions to do so as part of the information indicia of Laughlin would have been obvious in view of Jacobs et al. in order to keep the access means unidentifiable if lost.

12. Claim 36 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin in view of Wright (2003/0042732). Wright discloses a key packet including a map (308). To modify the holder assembly of Laughlin employing the map provision teaching of Wright would have been obvious in order to provide location information to the holder user.

13. Applicant's arguments filed December 6, 2004 have been fully considered but they are not persuasive. The combination of a removable incentive (coupon) and information together with an access means holder is broadly suggested by Laughlin at col. 2, lines 22-67. The differences between applicant's structure and that suggested by Laughlin are not seen to be patentable thereover.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG